



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

September 19, 2017

BY ECF

The Honorable Deborah A. Batts
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States v. James Emmanuel Gilmore III*, 04 Cr. 472 (DAB)

Dear Judge Batts:

The Government respectfully submits this letter in the above-captioned matter in advance of the sentencing of defendant James Emmanuel Gilmore, III (the "defendant"), scheduled for October 17, 2017, at 10:30 a.m.

On May 24, 2004, the defendant pled guilty to conspiracy to commit bank fraud, bank fraud, and witness tampering, in violation of Title 18, United States Code, Sections 371, 1344, and 1512, respectively. (Dkt. No. 10). For these offenses, on December 4, 2006, the defendant was sentenced to 120 months' imprisonment and five years' supervised release. (Dkt. Nos. 15, 16). On May 23, 2014, the defendant was released from the custody of the Federal Bureau of Prisons and commenced his term of supervised release.

On September 19, 2017, the defendant pled guilty to Specifications One, Five, and Six, as set forth in the Violation Report, dated July 21, 2017. Specification One charged the defendant with attempting to receive stolen property on or about November 10, 2016, in violation of Ohio State Penal Code § 2923.02/2913.51. Specification Five charged the defendant with leaving without permission the judicial district in which he is supervised (the Eastern District of New York) on or about November 10, 2016, and traveling to Ohio. Specification Six charged the defendant with leaving without permission the judicial district in which he is supervised on or about May 13, 2017, and traveling to West Virginia.

The Government, the defendant, and the Probation Offices of the Eastern District of New York and the Southern District of New York agree that the Court should impose a sentence of four months' imprisonment, to be followed by six months' in a residential reentry center, to be followed by two years' supervised release. In addition, the Government, the defendant, and the Probation Offices agree that the terms of the defendant's supervised release should include the special

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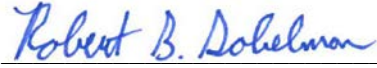
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condition that the defendant perform 25 hours of community service per week, unless the defendant is either enrolled as a student in an educational or vocational institution or is employed.

Respectfully submitted,

JOON H. KIM

Acting United States Attorney for the
Southern District of New York

By: 

Robert B. Sobelman
Assistant United States Attorney
(212) 637-2616

cc: James Layton Koenig, Esq. (via email)
Probation Officer Lisa Faro (via email)
Probation Officer Marline Aurelus (via email)